

THE GRISTLE

NARROW VICTORIES, AND LANDSLIDES: It's about landslides. Keep that in mind when you hear critics bellyache about a plan that would keep trees rooted on as many as 8,400 acres of loggable forests above Lake Whatcom, a plan they moan is far down on a list of programs that might benefit the water quality of Bellingham's reservoir. Well—it's not predominantly *about* water quality; it's about landslides.

Once was a time the nation's highway speeds were reduced to save fuel. Only later did we tumble to the knowledge that reduced speeds also saved lives. The one seems so much more noble a pursuit that today most discussion about highway speeds focuses almost exclusively on saving lives. But, the original goal was to *save fuel*.

In 1983, a slope above Smith Creek—crossed by abandoned and unmaintained logging roads, weakened by torrential rains and meltwater—failed, blowing 65 acres of timber and slash into Lake Whatcom, carrying with it cars and entire homes. The memory of that event—silt and debris spreading out to cover nearly 80 percent of the lake surface, millions of dollars in damage—was still fresh 15 years later when homeowners, alarmed by the sounds of dynamite and roadbuilding on the forested slopes of Lookout Mountain above their homes, vigorously called state and local officials, triggering what would eventually become shaped and known as the Lake Whatcom Landscape Plan.

The landscape plan was the state Dept. of Natural Resources' stab at continuing to allow (albeit more cautiously) logging on the steep, unstable forest trust lands above the reservoir. And whatever merits that more cautious plan may offer to the protection of a drinking water supply for 95,000 people, it's important to recall its genesis lay in the protection of *homeowners* and *property rights* around the lake.

In the years that've have followed, the science has become increasingly ample that not only by keeping roots in the ground, but keeping a forested canopy above those roots can slow the delivery of soil (and phosphorous) into the lake. That's a benefit to water quality, but it is also benefits efforts to keep thousands of yards of rock and debris from crashing into the lake.

If these lands remain under the management of the state, DNR sees a mandate to log them on behalf of trust beneficiaries. To that end, the landscape plan calls for cutting another 40 miles of logging roads across those slopes while taking down the forest canopy that shields slopes from weathering events. There is a single, carefully proscribed remedy to DNR's mandate that would transfer these lands out of state management, where they *must* be logged, into county management. The county has no mandate (while similarly restricted as the state under the landscape plan), other than to protect human health and safety within the watershed.

It's not more complicated or sinister than that, this plan to create a large forest reserve park where possible within the Lake Whatcom watershed, despite the efforts of opponents to frame it otherwise.

Why a *park*? Because the state law (RCW 79.22.300) that permits the transfer is written that way. It's like arguing why gravity draws *downward* instead of to the left.

While reconveyance is not rocket science, it's also not science fiction:

The Gristle invites those curious about what this proposal might look like in practice to take a wintery hike up



views

OPINIONS & THE GRISTLE

BY CATH LEHMAN

The Size of Our Future

CRITICAL VOTE LOOMS ON THE SIZE OF WHATCOM'S CITIES

ARGUABLY THE most significant growth management issue for Whatcom County in 2009 comes to a head next Tues., Nov. 24, in one of the last hearings and votes before our current rendition of County Council. It is the culmination of more than a year's worth of work by the county's planning department, community members, planning commissioners and elected officials to act in accordance with the state's Growth Management Hearings Board (GMHB) decision and bring Whatcom County's oversized Urban Growth Areas (UGAs) back into compliance with state law.

The deadline was already extended once, from June 30 to Dec. 1, 2009, which of course is now right around the corner.

Washington State's Growth Management Act (GMA) encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. Whatcom County has 10 UGAs: seven cities (Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas) and three unincorporated areas (Birch Bay, Cherry Point, Columbia Valley). The GMA requires counties to review and revise UGAs at least once every 10 years to ensure they can accommodate their projected urban growth over the next 20 years. The 10-year review being voted on this Tuesday is roughly five years over its original deadline for correct completion, and is being resolved because of an appeal brought before the GMHB that Whatcom County hadn't sized its UGAs properly.

It's true Whatcom County deserved that kick in our little growth management pants! We had oversized a number of UGAs, especially Blaine and Ferndale, with roughly 10 and eight times oversized boundaries around

those cities, respectively. So the review required we go back and review all our UGAs and resize them if warranted.

Improperly sized UGAs create low density sprawl, and a tricky need for a strange kind of infill once that land is annexed and upzoned in the future. Pretty much everyone under the sun understands that sprawl is bad. It's expensive, inefficient, polluting, destructive and, frankly, it's really, really ugly. The GMHB has even weighed in, saying:

"There are at least eight major negative consequences of sprawl:

- (1) it needlessly destroys the economic, environmental and aesthetic value of resource lands;
- (2) it creates an inefficient land use pattern that is very expensive to serve with public funds;
- (3) it blurs local government roles, fueling competition, redundancy and conflict among those governments;
- (4) it threatens economic viability by diffusing rather than focusing needed public infrastructure investments;
- (5) it abandons established urban areas where substantial past investments, both public and private, have been made;
- (6) it encourages insular and parochial local policies that thwart the siting of needed regional facilities and the equitable accommodation of locally unpopular land uses;
- (7) it destroys the intrinsic visual character of the landscape; and
- (8) it erodes a sense of community, which, in turn, has dire social consequences." [Bremerton, 5339c, FDO, at 28.]

County Council made recommendations late last month that largely accepted the County Executive's recommendations, and even took a few points a little further by removing UGAs the administration had recommended be expanded onto agricultural lands.

We know farmland is on the decline in Whatcom County, that the economic viability of our local ag in-



ATTEND

WHAT: County Council hearing on UGAs

WHEN: 7pm, Tues., Nov. 24

WHERE: County Council Chambers, 311 Grand Avenue, Bellingham

THE GRISTLE

Pine and Cedar Lakes Trail, a steep and primitive path up the forested slopes of the Chuckanuts from Old Samish Road to remote ponds teeming with trout. That park was brought under county management in 1992 by a land transfer, a reconveyance, with DNR very similar to what is being proposed for Lake Whatcom.

In February 2008, the county and DNR agreed to at least pursue the exploratory first stages of a Lake Whatcom reconveyance, which requires the state agency to audit the value of timber on those lands on behalf of trust beneficiaries. Whatcom, in turn, agreed to pay the bill for this work, amounting to \$291,000. And despite much heel-dragging by both the state and county, that audit is ready to begin. Without the audit, the exploration, the *possibility* of thousands of pristine forest acres, dies. Here. Now.

The shifting of emphasis implied in the recent county elections places the reconveyance in jeopardy (along with numerous other progressive land use reforms we reckon'll get walked back in coming months), but also foretells the pivotal-yet-unstable role Barbara Brenner will play as the swing vote on a shifted council.

Brenner hijacked last week's discussion of whether the county should pay for the audit with another of her trademarked intractable rants, this time about the relative inefficacy of reconveyance as a means to improve the water quality of Lake Whatcom. There are, she argued, more effective things we could be doing to protect water quality in the lake.

First, see our opening point. Second, general purpose governments are capable of doing many things at once—this *and* that—some more effective than others, some easier (or cheaper) than others. Reconveyance fits into the latter category. Third, Barbara's remarks were based almost entirely upon the broadly understood reluctance of the Dept. of Ecology to assign adverse environmental impacts in the watershed to the policies of DOE's sister agency, DNR. Dodging a turf feud with her sibling, Ecology's modeling of Lake Whatcom shrugged and assumed logging would proceed apace as a baseline assumption.

Barbara's scattershot tirade was offset by the careful, probing questions of Sam Crawford concerning the (known) immediate and long-term costs of reconveyance, including the likelihood these initial costs might be recovered.

Crawford, with no special reason to love reconveyance, asked the questions that need to be asked now, the questions able to be *answered* now, to keep the option moving until details emerge from DNR's audit. Sufficiently satisfied by answers he received, Crawford then agreed with the majority to release the funds.

Alas, on a shifted council that moves Barbara into a powerful center position, we fear we'll see more of her non-negotiable style of policymaking and less resembling that of Sam's. ☹

dustry is vulnerable and needs at least 100,000 acres of ag zoned land to thrive—and that 100,000 acres is roughly 15,000 more acres than we have in ag zoning now.

They Whatcom Legacy Project survey showed that seven out of 10 citizens want to focus growth in existing urban areas and prevent sprawl. It showed that we care about protecting farmland and water quality above development. This Tuesday, Nov. 24, at 7pm is one of the most important opportunities you have to ask County Council not to allow the paving of our farms and sprawling, auto-dependent new development to crop up away from current urban centers.

Send your comments to County Council asking them to stand strong for farms and resource land protection, and vote to resize UGAs according to their current recommendations. Then contact Executive Kremen's office and ask him not to veto their decision. ☺

Cathy Lehman is Director of Futurewise Whatcom, the local chapter of statewide land use advocacy organization. The mission of Futurewise is to promote healthy communities and cities while protecting farmland, forests and shorelines today and for future generations. Learn more at www.futurewise.org/whatcom.

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